

Misbranding was alleged for the reason that the designation "Cloves" was false and misleading and deceived and misled the purchaser, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

On September 24, 1928, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16131. Misbranding of Cholérine. U. S. v. 60 Quart Containers, et al., of Cholérine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22639. I. S. 12948-x. S. No. 641.)

On March 21, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 quart containers, 30 gallon containers and ten 5-gallon containers of Cholérine, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Germa Manufacturing Co., from Los Angeles, Calif., arriving at Seattle, about October 8, 1927, and had been transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium, iron, and magnesium sulphates, extract of red pepper, sassafras oil, and free acid, colored red with a coal-tar dye.

It was alleged in the libel that the article was misbranded in that the following statements borne on the labeling, (bottle label) "Cholérine * * * Unequaled in the treatment of Cholera, Roup, White Diarrhoea, * * * and other diseases of poultry * * *. In treating cases of Cholera, Roup, and Limberneck, * * *. Prevention is better than cure. To ward off disease and * * * to keep your flock in a healthy vigorous condition at all times * * *. As a special aid in preventing and treating some forms of Diarrhoea or bowel trouble * * *. When baby chicks are noticeably affected * * *. White Diarrhoea is a germ disease and requires * * * Cholérine, to prevent its ravages. As a preventive," (circular entitled "What is Cholérine?") "Cholérine * * * A Scientific Preparation which Supplies the Necessary Minerals to your Flock. Cholérine is a * * * Body Builder. A Prophylactic aid in the prevention of many poultry diseases. 'A Healthy Bird Resists Disease.' A positive cure for Bacillus Pullorum (White Diarrhoea) and Coccidiosis (Blood Diarrhoea) in young chicks. Keeps Adult Fowls in Healthy Condition * * *. Cholérine is a Scientific Preparation so compounded as to supply the Mineral elements necessary for the maintenance of your flock. Cholérine is a Body and Vitality Builder * * *. It lessens the work of digestion, cleanses the intestinal tracts, and helps greatly toward keeping your flock in a generally healthy condition * * *. Health and Vitality must be maintained in their flocks for * * * small mortality * * *. Even with best feeds, plenty greens, and carefully apportioned rations, there are certain essential mineral elements necessary which can only be obtained by feeding Cholérine. When used all the year round, according to directions, Cholérine will positively reduce death losses, act as a distinct preventive of disease * * * and insure a healthy production of baby chicks. Cholérine * * * will improve your flock to such an extent that you cannot fail to see the long-wished-for result and the healthy, happy hen * * *. Cholérine for Baby Chicks: It will * * * decrease your death loss * * * making a strong healthy body * * *. Should diseases break out among young chicks, such as White Diarrhoea, Coccidiosis, Nutritional disease, etc., give * * * until disease abates * * * chicks very noticeably affected * * * pour * * * down their throats * * *. For Sick Hens and Pullets: * * * in severe cases," (circular entitled "That Healthy Look") "That Healthy Look! Give Your Chicks A Good Start. Cholérine in Drinking Water or Feed insures Healthy, Vigorous, Rapid Growth, during those dangerous first six weeks. Save your Baby Chicks—Make and Keep Your Mature Flock Healthy, Vigorous * * *. As soon as the chicks are placed under the brooder * * * give them a drink * * * to which has been added * * * Cholérine * * *. Prevention of disease is better than to cure. The most prevalent diseases in chicks are digestive disorders, such as Loose Bowels, Indigestion, Common Diarrhoea, and the more serious Bacillary White Diarrhoea * * *. Nutritional Disease. Chicks fed regularly with Cholérine rarely develop this

disease * * *. Germa Cholérine for Poultry. Cholérine given two or three times a week in early morning drinking water only will keep them in perfect health * * *. How to Use Germa Cholérine. Follow instructions carefully and you will obtain the desired results from Germa Cholérine * * *. Disease Dosage for Baby Chicks. As a special aid in preventing and treating diarrhoea or bowel trouble * * *. When baby chicks are noticeably affected, pour * * * down their throats * * *. White diarrhoea is a germ disease and requires * * * Cholérine to prevent its ravages * * *. As a Preventive * * * Feed Cholérine to Chicks * * * Good health promises rapid growth * * *. White Diarrhoea. The greatest scourge of the poultry industry is the dreaded disease of White Diarrhoea. It takes off the little chicks by the thousands all over the country every hatching season. The United States Government officially states in Farmers' Bulletin No. 957 that the loss from White Diarrhoea alone varies from 50 to 70 per cent of all chicks hatched. Cholérine is a sure and positive specific for White Diarrhoea, and it will prove its value a dozen times over, even in the smallest flock. Disease Dosage for Mature Fowls. In treating cases of Cholera, Roup, Diphtheria, Limberneck, and diseases common to mature fowls * * *. It regulates the system—diverting the proper portion of feed to flesh making and the proper portion to egg production. It puts hens in a healthy, hustling, laying condition. 'Prevention is better than cure.' To ward off disease * * * to keep flock in a healthy, vigorous condition at all times * * *. Body Builder. Our Young Chickens had roup in the worst stage, and after using Cholérine we did not lose a one," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 1, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16132. Misbranding of Cholérine. U. S. v. Five 5-Gallon Containers, et al., of Cholérine. Default decree of destruction entered. (F. & D. Nos. 22641, 22642. I. S. Nos. 17905-x, 17906-x, 17907-x, 17908-x. S. Nos. 657, 663.)

On March 20, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of five 5-gallon containers, 6 gallon containers, two ½-gallon containers, 11 quart containers, and 18 pint containers of Cholérine in liquid form, and 20 cartons, small size, and 23 cartons, large size, of Cholérine in tablet form, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Germa Manufacturing Co., from Los Angeles, Calif., in various consignments, on or about August 22, October 18, and November 18, 1927, and January 11, 1928, respectively, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium, iron, and magnesium sulphates, extract of red pepper, sassafras oil, and free acid, colored red with a coal-tar dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, liquid) "Cholérine * * * unequalled in the treatment of Cholera, Roup, White Diarrhoea, and other diseases of poultry * * *. In treating cases of Cholera, Roup and Limberneck * * *. To ward off disease * * * to keep your flock in a healthy vigorous condition at all times * * *. As a special aid in preventing and treating some forms of Diarrhoea or bowel trouble * * *. When baby chicks are noticeably affected * * *. White Diarrhoea is a germ disease and requires * * * Cholérine to prevent its ravages. As a preventive;" (circular entitled "Germa Big Six Line for Poultry," accompanying liquid) "Cholérine * * * Body Builder, Disease Eliminator * * *. Cholérine is a scientific preparation so compounded as to supply the Certain elements necessary for the maintenance of your flock. Cholérine is a Body and Vitality Builder * * *. It lessens the work of digestion, cleanses the intestinal tracts, and helps greatly toward keeping your flock in a generally healthy condition * * *. Reliable body builder. * * *.